

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA	)	<b><u>FILED UNDER SEAL</u></b>
	)	
	)	No. 2:19-00013
v.	)	
	)	Chief Judge Waverly D. Crenshaw, Jr.
	)	Magistrate Judge Alistair E. Newbern
	)	
GEORGIANNA A.M. GIAMPIETRO	)	

**DEFENSE MOTION TO RESCHEDULE STATUS CONFERENCE DATE**

The Defendant, through her attorney, Charles D. Swift, requests to have the Court reschedule the Pre-Trial Conference Hearing date from November 1, 2019 at 4:00 pm, to coincide with the Status Conference set on November 13, 2019, following the Appointment of Counsel Hearing, currently scheduled for November 13, 2019, at 1:00 p.m.

On October 4, 2019, in Docket Entry No. 29, this court set a Status Conference Hearing for Friday, November 1, 2019, at 4:00 p.m. As the attorney for Ms. Giampietro, I filed a motion to appear pro hac vice in this case on October 15, 2019 (DKT No. 33), which was granted, and I subsequently entered my Notice of Appearance on the same date (DKT No. 38). As this case is under seal and I am unable to view the filed documents and Orders on Pacer, I was unaware of the setting of the November 1, 2019, Status Conference date until I requested documents I am missing from the Law office of Peter Strainse, who has entered a limited Notice of Appearance on this case. On Tuesday, October 29, I viewed DKT No. 29 for the first time after it was forwarded to me. This Order contained the November 1, 2019, Status Conference date.

I was in court October 16, 2019, for the Status Conference set on that date. That Status Conference had to be reset due to the failure of the Marshalls Office to produce Ms. Giampietro. During the in-court proceedings, to the best of counsel's recollection, the Court initially considered holding the next Status Conference on November 12, 2019. I informed the Court that I had a conflict due to a scheduled Sentencing in a Federal matter in Arizona on November 12. The Court accommodated this conflict by setting the next Status Conference for November 13. I do not recall any discussion that there would be an additional Status Conference on November 1. Accordingly, when I discovered the DKT No. 29, I believed it to be canceled in light of the Court's hearing on October 16, in favor of a Scheduling Conference Hearing on November 13.

I have a scheduling conflict on November 1, 2019, as I have pre-paid plane ticket to Washington, D.C. on Friday afternoon at 12:37 pm (CST) to for professional matter on another federal case. I respectfully request that the November 1, 2019, Scheduling Conference be adjourned until November 13, or in lieu of adjournment, that I be excused from the Hearing on November 1. In making this request I am fully aware of the Court's desire to have all counsel appear at all Status Conferences and I fully intended to adhere to the Court's directive. This request is made due to the unique circumstances by the inability to access a prior Order in this matter.

Respectfully submitted,

/s/ Charles D. Swift

CHARLES D. SWIFT

*Pro Hac* Attorney for Georgianna  
Giampietro

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Dated: October 31, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2019, a copy of this motion was served via email to Assistant United States Attorney, Ben Schrader, Assistant United States Attorney, Phil Wehby and NSD Attorney Jennifer Levy.

/s/ Charles D. Swift

CHARLES D. SWIFT

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